

BELL. (C.)



*EIGHTH INAUGURAL ADDRESS OF
CLARK BELL, ESQ.**

As President of the Medico-Legal Society of New York.

Fellows of the Medico-Legal Society :

I shall ask you to briefly glance, over the labors of the body during the past year, to look at its present position, its objects, aims, future prospects and responsibilities, and speak of the progress of Medical Jurisprudence as a science, in the world, at the present moment.

MEMBERSHIP.

Our roll of active members, December 31, 1887, contained 273 names, of Corresponding 148, and of Honorary 11, making our total membership 432. On December 31, 1886, our roll contained 389 names—258 Active, 120 Corresponding and 11 Honorary. We have elected during the year 48 Active and 31 Corresponding members. Total 79 members.

The active members on December, 31, 1887, were Lawyers, 138 ; Doctors, 124 ; Scientists, 11. Total 273.

The Corresponding members were; Lawyers, 19; Physicians, 119 ; Scientists, 10. Total 148.

* Pronounced January 10, 1888.

presented by the author

Honorary members : Legal, 5 , Medical, 6. Total 11.

The increase in membership has been, over and above all losses by death or resignation : Active members, 15 ; Corresponding, 28 ; total 43.

We have lost by resignations 29 ; deaths 7. Total 36.

NECROLOGY.

The loss by death to this body during 1887 has been serious. Among the active members we have to mourn AARON J. VANDERPOEL, the eminent lawyer.

HORATIO F. AVERELL, Esq., of the New York Bar.

DANIEL R. LYDDY, Esq., of the New York Bar.

Dr. JOHN M. CARNOCHAN, the eminent surgeon of New York.

Corresponding Members.

Dr. JEAN TH. GALLARD, who was the Secretary of the Medico-Legal Society of France from the day of its organization to his death.

Prof. Dr. AUGUSTIN ANDRADE, an eminent physician and scientist of Mexico.

Judge GUY H. McMASTER, Surrogate of Steuben County, New York, at Bath, N. Y..

HENRY BUIST, Esq., of Charleston, S. C.

THE WORK OF THE YEAR.

The following papers have been read before the Society at its meetings, a large number of which have appeared in the MEDICO-LEGAL JOURNAL :

The Retiring Address, January, 1887, of President ISAAC LEWIS PEET, M.D.

The Inaugural Address, January, 1887, of President CLARK BELL, Esq.

"Some Aspects of the Druse Case," by E. W. CHAMBERLAIN, Esq.

"A Simpler and more Intelligent Classification in Mental Diseases Important," by Prof. J. J. ELWELL.

"Insanity and the Care of the Insane," by CLARK BELL, Esq.

"Prison Labor and Public Utility," by LOUIS LIVINGSTONE SEAMAN, M. D.

"Isaac Ray," by CHAS. K. MILLS, M. D., of Philadelphia, Pa., President American Neurological Association.

"The Penal Aspects of Suicide," by L. C. WHITON, Esq., of New York.

"The Mental and Physical Capacity of Man, in the Rapid Expression, Receiving and Recording of Language," by R. S. GUERNSEY, Esq., of New York.

"Opium Inebriety," by Dr. IRA RUSSELL, of Mass.

"Criminality," by W. G. STEVENSON, M. D., of Poughkeepsie, N. Y.

"The Relation of Intemperance to Insanity," by CLARK BELL, Esq.

"The Post Mortem Imbibition of Poisons," by GEO. B. MILLER, M. D.

"Imbibition of Poisons," by Prof. JOHN J. REESE.

"The Medical Jurisprudence of Insanity," by CLARK BELL, Esq.

The same general subject by Dr. NORMAN KERR, President of the British Society for Study and Cure of Inebriety; Dr. JOSEPH PARRISH, President of the American Society for Study and Cure of Inebriety; ANTHONY L. DYETT, Esq., of the New York Bar; CHAS. H. HUGHES, M. D., Editor *Alienist and Neurologist*, St. Louis, Mo.; Ed. C. Mann, M. D., of Brooklyn, President American Society of Anthropology; T. D. CROTHERS, Editor *Journal of Inebriety*; T. L. WRIGHT, M. D., of Bellefontaine, Ohio; Rev. WM. TUCKER, M. D., of Mt. Gilead, Ohio; Mrs. M. Louise Thomas, President of "SOROSIS;" Dr. L. W. Baker, of Retreat for Epileptics of Baldwinsville Massachusetts; MORRIS ELLINGER, Esq., late Coroner of New York; LUCY M. HALL, M. D., of Brooklyn, N. Y., these papers were read at November and December meetings of the Society, the reading and discussion of which was presided over by ex-Chief Justice Noah Davis. They were discussed by Messrs. AUSTIN ABBOTT, Dr. W. G. STEVENSON; Dr. MASON, consulting physician to Inebriates Home, Fort Hamilton; Dr. FRANK L. INGRAM Dr. EMMETT L. DENT, of Insane Asylum, Ward's Island; Dr. W. F. Holcombe; Dr. CHAS. S. SHEPARD, of Brooklyn; Dr. IRA RUSSELL, of Winchenden, Mass.; President Clark Bell, Esq.; Dr. S. WATERMAN, of New York; Dr. A. JACOBI, President New York Academy of Medicine; Dr. ISAAC LEWIS PEET, Superintendent Deaf and Dumb Asylum; Dr. S. K. PADDOCK, Medical Examiner of Springfield, Mass.; and the discussion was summed up by ex-Chief Justice NOAH DAVIS.

BANQUET.

The Society gave its annual banquet at the Hotel Buckingham, where its meetings have been held, it was largely attended by members and their wives, and by distinguished guests, from neighboring States and cities were present.

PRIZE ESSAYS.

It has been decided by the Executive Committee to offer three prizes : First of \$100; second of \$75 and third of \$50, for the first, second and third best essay, on any subject within the domain of Medical Jurisprudence. The first prize offered, is by our member ELLIOTT F. SHEPARD, Esq., and the remaining prizes are donated by a few members of the Society.

The details have appeared in the JOURNAL, and it is hoped most of our members will compete for these prizes, which are announced to close on April 1, 1888.

MEDICO-LEGAL JOURNAL.

The most important work of the body is doubtless wrought by the Medico-Legal journal, in disseminating throughout the scientific world, the papers read before it, and awakening interest in the science, among its students everywhere. Aside from the publication of a part of these papers, and the discussions thereupon, the JOURNAL, has published portraits of Dr. JOHN P. GRAY, late Superintendent of Utica Asylum, and a sketch of Utica Asylum as it stood in 1867 ; a portrait of Dr. ISAAC

RAY; a copy of the bust of the great Belgian alienist, JOSEPH GUISLAIN, with a sketch of a statue proposed to his memory, (but not the statue unveiled at *Ghent* last July); a portrait of AARON J. VANDERPOEL of the New York Bar; of Hon. GUY H. McMASTER, Judge and Surrogate of Steuben County, New York; a portrait of the Elder TUKE of England, reproduced from a drawing in the hand of his descendant D. HACK TUKE, and a cut of YORK RETREAT, as it existed at the time of his labors.

The circulation of this journal has steadily increased, but it needs the active support and co-operation, of the members of this body to make it more successful and useful.

During the past year I have sent the following circular letter to many eminent Alienists, Jurists, Judges, Scientists and Publicists :

MEDICO-LEGAL JOURNAL ASSOCIATION,
Office of the Editor,
No. 57 Broadway.

NEW YORK, 1887.

DEAR SIR :

Please give me your idea of the best definition of insanity under our present knowledge of that subject.

Also what in your judgement should be the legal test of criminal responsibility for acts committed by persons suffering from any form of mental disease. I am making a study of these topics, and would feel greatly obliged for your views.

Very faithfully yours,

CLARK BELL.

Of replies received many have been published in the JOURNAL. I should be glad to receive responses to these queries from every member of the Society, who has not

already responded, whether Active, Corresponding or Honorary, as well as from all Judges, Lawyers, Medical Men, Superintendents of Asylums, Alienists or others interested in this subject whose eye it reaches.

MEDICO-LEGAL PAPERS—SERIES 4 AND 5.

Pursuant to my recommendations of last year, subscriptions to the proposed volumes have come in, sufficient, to warrant the Executive Committee and the Society, to authorize the publication of Volume, or Series 4, which it is hoped will be completed the present year.

New members and all members, who have not subscribed for these volumes, are urged to send their names at once to the President, or Secretary, so that the burden of publication may fall lightly on the Society and be distributed widely among members. The list of subscribers has appeared from time to time in the JOURNAL, and the cost is \$3.50 per vol. in cloth and \$2.50 in paper.

THE LIBRARY

Has received very little attention during the past year from our members. This has been a subject of regret to me, and the question of a suitable home and location for our library, is one of the most important questions, which the body has before it for consideration, to which I invite the earnest and thoughtful attention of the Executive Committee, and of every member of the Society.

OUR AIMS.

To my mind the present endeavor of this Society, should

be to increase its active membership, in the various States and Territories of the United States, with a view of making the body thoroughly national in character, and not local in any sense, except as to the place where its sessions must needs be held, in the metropolis of the country. This has been our policy for the past few years to some extent, but it should, for the present at least, be more pronounced, and more aggressive.

If ten men could be selected at the least, from each American State and Territory, who occupied prominent positions in the Legal or Medical professions, or as Chemists, Scientists or Publicists, it would bring the Society into a greater sphere of usefulness, broaden and widen its field of action, and bring to its notice questions arising in the Courts of the American States, for active discussion and criticism, which would be of enormous consequence to the progress of the science in America.

Judge H. M. SOMERVILLE, of the Supreme Court of Alabama, who has recently joined this Society, and P. BRYCE, M. D., Superintendent of the Insane Asylum at Tuscaloosa, Ala., who unites to-night, will take the lead of this work in the State of Alabama and in some of the Southeastern States, while prominent gentlemen in other States will aid the work.

We have now members in most of the States and Territories. We have no members in thirteen of the States, and we should take steps at once to bring this subject to the attention of prominent men in all these States.

As we vote by ballot, by mail, non-resident members need not feel under obligation to attend the sessions, unless convenient, and to aid this movement I have recommended that the Constitution and By-Laws be so amended as :

1. To reduce the annual dues of members residing outside the State of New York to \$2.00 per annum, which will give them the Journal free, the price of which is \$3 per annum, which recommendation has been unanimously adopted this evening.

2. To increase the number of Vice-Presidents of the Society, so that one may be chosen from each State or Territory, to these responsible positions, from representative men and thus widen and broaden the influence of the Society, which plan will come before the body at its next session.

PUBLICATIONS.

The Committee on Publication and the Executive Committee, are considering the propriety of publishing in one volume, the various papers read before the body on Alcoholism and the Medical Jurisprudence of Intemperance. These papers, with the discussions upon them, would make a respectable volume, containing the labors of a large number of scientists, and would be a valuable contribution to the literature of the world, upon a subject now arresting public attention.

This must be done by private subscription, as the financial situation of the Society, would not at present warrant such an expenditure, in addition to the obliga-

tions which it has assumed, to the MEDICO-LEGAL JOURNAL and for the publication of Medico-Legal Papers, Series 4. and 5.

A subscription has been circulated which will defray a portion of this expense, and it is proposed that the residue can be met by a subscription to the work itself, which will be furnished to all who choose to subscribe at the nominal price of 50 cents in cloth and 30 cents in paper.

Members desiring to aid this work will kindly send their names and the number of volumes for which they subscribe to the President or Secretary without delay.

THE PROGRESS OF THE SCIENCE.

AMERICA.

The increase of interest is marked and well developed. The MEDICAL JURISPRUDENCE SOCIETY OF PHILADELPHIA, is flourishing and doing a good work. I submit a list of the papers read before this Society during the past year, kindly furnished me by the honored Secretary, Dr. Henry Leffman.

Live Birth in Medico-Legal Relations. By Dr. JOHN J. REESE.

Will Contests. By WALTER E. REX, Esq., late Register of Wills for Philadelphia.

The Handwriting of the Insane. By HENRY HAZLEURST, Esq.

The Claim of Moral Insanity in its Medico-Legal Relations. By J. HENDRIE LLOYD, M. D.

A Summary of the Weaver Case. By HAMPTON L. CARSON, Esq.

A Strange Homicide Case. By JOHN T. ESKRIDGE, M. D.

CRIMINAL PSYCHOLOGY. By W. D. ROBINSON, M. D.
Suicide in its Relations to Insanity. By WM. N. ASHMAN, Esq., President of the Society.

In addition there was a special joint meeting, with the Neurological Society, on January 24th, 1887 at which several papers on the care and treatment of the insane were read and discussed.

The following officers were elected January 10, 1888 :

President, Dr. G. K. Mills ; Vice Presidents, J. A. Clark, Esq., Henry Leffman ; Secretary, Dr. F. X. Dercum ; Treasurer, P. H. Coggins ; Recorder, Dr. G. M. Bradfield.

The same can also be said of the CHICAGO MEDICO-LEGAL SOCIETY and it is a source of great pleasure to see the interest maintained in these great cities by our sister societies. I am indebted to its Secretary, Dr. Scott Helm for a list of the papers read before it, and of their authors.

The MASSACHUSETTS MEDICO-LEGAL SOCIETY is making steady progress in its domain, being the organized action of the MEDICAL EXAMINERS of that State, who take the place of the CORONERS that have been abolished

there. The result of their Conference and combined action, the value of the statistical and other valuable scientific data thus collected, cannot well be estimated, but enough has transpired to commend it to the American States, as an example well deserving emulation and imitation.

While one or two journals in America have been recently discontinued owing to special causes, it cannot be doubted that the general interest in the profession of Law and Medicine in the Science of Medical Jurisprudence is decidedly on the increase—but this is rather among individuals, than among the professional organizations.

There was no section of Medical Jurisprudence at the recent International Medical Congress at Washington, and the science is almost wholly neglected in the American Bar Association, and, so far as I am aware, in the State Bar Associations, though it is to be hoped this will receive more attention in the near future. While the same criticism is true as to National and State Medical Associations it must be conceded that the science has received greater attention among the Medical Schools, than those of Law. A chair of Medical Jurisprudence, should be in every Law as well as Medical School, and of course, in every university of learning.

LUNACY STATUTES.

The Governor of New York in his recent message, has urged the revision and modification of our lunacy

statutes, in deference to public sentiment, and this subject will come before the present Legislature assembled at Albany. Thorough and intelligent revision of our lunacy statutes can, however, hardly be well done, by a Legislative committee, in the hurry and crowded character of its deliberations.

This work has hitherto been most successfully accomplished, by selected Commissioners in France, Italy, Great Britain, Pennsylvania and elsewhere, and we hope to see Gov. Hill name a Commission composed of men selected for their ability to meet these questions, requested to submit a complete revision of our lunacy statutes, which should be done without expense to the State, so far as the labors of the Commissioners are concerned.

MEDICAL EXAMINATION IN LIFE INSURANCE

Is a subject of very great importance, and deserves more than a passing notice.

This country now leads the world in life insurance. This must be its attitude for the few remaining years of this, and for, doubtless, the first fifty years of the twentieth century.

Its success must largely depend upon the ability and care of its Medical Examiners.

Medical men need special training for this work, the same as for any branch of skilled scientific labor. A Doctor merely as such, is no more fit for this duty, without special knowledge, than he would be to pass on a question of lunacy, or to give an opinion on a poisoning

case. This subject deserves our careful thought. Mr. W. M. TAYLOR, Vice President of the Connecticut Mutual Life Insurance Company, has recently contributed an able paper on this subject. Dr. CHARLES F. STILLMAN has written a treatise upon it, which will shortly appear.

It is one of the live questions of the hour.

GREAT BRITAIN.

There is as yet, no national or local society of Medical Jurisprudence, in the British Islands.

In SCOTLAND more attention seems to be given to the science, due doubtless to the influence of the chairs of Medical Jurisprudence in the Scotch Universities.

The Bar is behind the Medical profession in the matter, and the obstacles in the way of uniting the two professions, in one society for common work in this science, seem, insurmountable up to the present moment. It is to be hoped that some of the men of the Bar, will take the initiatory in such a movement.

The English and Scotch alienists, and neurologists, however, keep abreast with the advance of the science in other countries. The editors of great British journals like the *British Medical Journal*, the *London Lancet* and others are fully alive to these questions, and keep pace with scientific research. *The Journal of Mental Science and Brain* stand high in their respective domains.

FRANCE.

The position of Forensic Medicine in France is grati-

ying. The labors of the Medico-Legal Society of France under the Presidency of *EMILE HOURTELoup*, of the Paris Bar, have been valuable and gratifying. The death of *JEAN TH. GALLARD*, for long time secretary of the French Society, and the selection of *Dr. Motet* as his successor, has been the most marked event in that Society. Many important papers have been read before that Society.

Among the French journals *THE ARCHIVES DE NEUROLOGIE*, *LES ANNALES MEDICO-PSYCHOLOGIQUES*, *L'ENCEPHALE*, *ANNALES D'MEDICINE LEGALE*, and the new journal at Lyons, *ARCHIVES D'ANTHROPOLOGIE CRIMINELLE* are the leading French journals in the various specialties. *LE PROGRES MEDICAL*, *LE REVUE DE MEDICINE*, *ARCHIVES OBSTETRIQUES* and other journals have maintained their former high character and usefulness.

ITALY.

In no country has there been such extended labors as in Italy. The *Società di Freniatria* has just published an extended volume as the result of its labors during the past year, under the able Presidency of Senator and Prof. *ANDREA VERGA*.

The Italian journals are in the front rank of the World in the various departments of *NEUROLOGY*, *PSYCHIATRY*, *Forensic and State Medicine*. Among the leading journals are *LA PSICHIATRIA*, *LA NEUROFATOLOGIA*, conducted by Prof. *G. BUONOMO* and Dr. *L. BIANCHI*, *La Rivista Sperimentale de Medicina Legale*, *Rivista Clinica de Bo-*

logna, Archives de Psy-Scien Penali et Antropologia Criminale, Archives per Malattia Nervosa, Scienza Italiana, and many others.

GERMANY AND AUSTRIA,

and the German speaking countries. Forensic Medicine receives careful and thorough attention in the German universities. There is a chair of Forensic Medicine in each. There are many savants who devote their lives to the study and investigation of this science.

The work of such men as KRAFFT, EBING, THEO. MEYNERT, MORITZ BENEDICT, Prof. MASCHKA, Dr. H. LAEHR, Prof. VIRCHOW, Prof. HOFFMAN, K. KORNFEID, and hosts of others constantly enrich a literature of Forensic Medicine surpassed by none, and the journals keep pace with the progress of scientific research. The leading journals of Germany in the domain of Medical Jurisprudence are The Quarterly Journal of Medical Jurisprudence, at Berlin, M. Eulenberg, Editor, and Friedrich's Blatter of Legal Medicine, edited at Neuremburgh, both of which are in the front rank of journals of this kind in the world. The Jurbucler fur Psychiatrie, Zeitschrift fur Psychiatrie, Der Gerichtstaal are among the leading Journals in the German tongue.

BELGIUM

does its work in its societies by its scientific men. It has no Medico-Legal Society. The students of the science in Belgium are chiefly medical men.

The Belgium Bar have not as yet grasped the hands

of their great Physicians in a society common to both professions.

The leading BELGIAN SOCIETY is the Society of MENTAL MEDICINE, which includes the leading alienists of Belgium, and its Bulletin, registers and publishes its labors. It has no journal devoted to the science of Medical Jurisprudence.

HOLLAND

is in a similar condition, and in many respects is the counterpart of Belgium. The alienists of Holland are the only men who take much interest in the science, and the Netherlands have yet to organize a society which will combine the labors of the lawyers and medical men, as in France or our own country.

The Netherland Society of Psychiatrie is at present the foremost society in Holland so far as Mental Medicine goes, and embraces in its membership the leading Alienists of that country, it bears the same relation to Holland that the Society of Mental Medicine of Belgium does to that country.

RUSSIA

is devoting more study to the subject. Her great society is the Society of Psychiatry of St. Petersburg. She has no Medico-Legal Society. She has a very able body of Alienists. Prof. Mierzejewsky, is President of the Russian Society and editor of the Journal Archives of Psychiatry Neurology and Legal Psycopathology, and Prof. Kowalewsky, editor of the Messenger of clinical and

Legal Psychology and Nervous Pathology of Kharkoff are among the foremost writers and thinkers among the Russian students of Forensic Medicine on the medical side, while George Dragondorf of Dorpat Russia is the foremost of the Russian Toxicologists.

We learn that a new journal has been established in St. Petersburg, Russia, devoted to Medico-Legal Science and Public Hygiene, edited by Dr. Schmullef, but we have not as yet seen a copy of this journal.

SCANDINAVIA.

Prof. Axel Key, editor of *Del Kongelige Sundheds Kollegiums etc.*, of Copenhagen, Denmark, is the leading exponent of Forensic Medicine in the Scandinavian countries, and his journal the highest authority there. A leading Journal is *Fordsand Svenska Lakare Salcs-kapts*, at Stockholm in Sweden.

SPAIN AND PORTUGAL.

We do not know as much of Spain and Portugal in their relation to Forensic Medicine as we hope to.

Steps were taken to organize work on the science at Lisbon during the past year, which we shall watch with interest, and hope to hear of good fruits from the action. The science is not neglected in the Spanish universities, but there is no Society of Medical Jurisprudence in these countries that we are aware of.

CENTRAL AND SOUTH AMERICA.

We hope during the coming year to learn more of the

progress of Medical Jurisprudence in the Spanish speaking countries of the Western Hemisphere and the Islands, and to come into nearer and more intimate scientific relations with them. We do not believe that any Medico-Legal Society, common to lawyers and medical men, yet exists among them.

ORIGINAL PAPERS.

Members desiring to contribute papers should address the President. More are now offered than can be received, but that should not limit the number from which selections should be made. So far as possible preference will be given to members, but contributions from non-members are solicited, and must be conceded to be of great value, it is by calling for these contributions that cases occurring of interest come to our notice.

INTERNATIONAL CONGRESS OF MEDICAL JURISPRUDENCE.

I think the time has now come when this Society should take the necessary steps to hold a Congress of Medical Jurisprudence, in the City of New York, either in the fall of 1888, or the spring of 1889, for a full and complete discussion of the more important subjects now uppermost.

To this Congress we should invite as our guests, to be entertained by our members, during its session of at least three days, representative men from all countries.

A Committee should at once be named, to agree upon the subjects of discussion, and to take the preliminary steps, to secure contributions and papers, from the most distinguished Medico-Legal Jurists who cannot attend in person, and to fix the date of the Congress. A committee should be named regarding proposed reforms in EXECUTION OF CRIMINALS now before our State Legislation.

Believing that this body, can do its best work through carefully selected Committees, I shall ask your authority to constitute them, for the various objects recommended if they meet with your favor.

GENERAL RECOMMENDATIONS.

Renewing the recommendations of my last inaugural address, as to the election of a State or National Chemist, under the pay of the Government, to be at the service of accused persons or the Government in criminal trials, and the establishment of the Morgue in this city on a scientific basis, after that of Paris, France, I congratulate the Society on its continued career of usefulness and prosperity, and shall hope to unite with officers and members, in the labors of another year, in that zealous spirit, for the advancement of the science, that has distinguished the previous labors of the body, and made the fame of the Society, conspicuous, during its career of a little more than twenty years since its formation.